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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,301	10/26/2001	Robert S. Bosko	0006-0023	1272
7590 Dennis Braswell 105 Soost Court Mobile, AL 36608			EXAMINER MENON, KRISHNAN S	
			ART UNIT	PAPER NUMBER

1723

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

**Office Action Summary**

Application No.

10/045,301

Applicant(s)

BOSKO, ROBERT S.

Examiner

Krishnan S Menon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,6-8,10-15 and 17-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-8,10-15 and 17-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

Claims 1,6-8,10-15 and 17-31 are pending.

***Claim Rejections - 35 USC § 112***

Claims 1 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1 and 31 recite "... to allow conductive cooling ...", which does not have sufficient disclosure in the specification or claims as originally filed. Applicant cites page 9 lines 15-20 and page 14 lines 3-7 to support this amendment. The cited text is copied below.

Page 9:

15 to the R/O unit 36 for back-flushing of the R/O unit 36). In a preferred embodiment, the  
16 reservoir 42 is located in close proximity to evaporator 32 or other cooling source (such as,  
17 without limitation, ice in the ice bin of an ice maker or dispenser), to cool (pre-chill) the water  
18 within the reservoir 32. Thus, with the system shown in FIGURE 3, a reservoir of relatively cold  
19 water (because of the reservoir's proximity to the cooling source) is available for use by the host  
20 system. This pre-chilling increases the efficiency of the host system's functions. Such host

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3 manufacturing, installation, and maintenance costs are significantly reduced. Also, lower  
4 maintenance cost result for all the pieces of equipment since they do not need to be cleaned of  
5 untreated water deposits, as is required today.

6 Although the particular piece of equipment 102 shown in FIGURE 6 is an ice maker, the

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7 treated water source 104 may be included in connection with another host unit, rather than or in As is seen in the text, there is no disclosure of any conductive cooling. The "close proximity" language also does not imply conductive cooling, because heat conduction requires direct physical contact through a conductive medium, which is not disclosed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 20-25, 27 and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by, or in the alternative, under 35 USC 103(a) as being obvious over Boulter (US 6,093,312).

Boulter (312) teaches a water-using unit (16 – fig 6), treated water source (8-fig 6), a host system (fig 24,26), control system (fig 24,26), and a separate remote unit coupled to the unit (ice-maker 2028, fig 24, and cooler system 2030-2033, fig 19) as in instant claim 20. With regard to the user access areas and their being not presented as combined, a user access area would be inherent for any dispenser unit; any dispenser unit must logically have access (area) for someone to use it; and if dispenser units are located remote to one another, so would the corresponding user access areas be. The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. "The inherent teaching of a prior art

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reference, a question of fact, arises both in the context of anticipation and obviousness.”

In re Napier, 55 F.3d 610, 613, 34 USPQ2d 1782, 1784 (Fed. Cir. 1995) (affirmed a 35 U.S.C. 103 rejection based in part on inherent disclosure in one of the references). See also In re Grasselli, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983).

Boulter (312) teaches RO system and reservoir as in instant claims 21-23 (10, 2301, 8 – fig 24; col 6 lines 21-35), icemaker as in claim 25 (2300-fig 23).

Re claim 24: Boulter (312) teaches a water-using unit (fig 23), treated water source (2300), a host system (fig 24,26), control system (fig 24,26), and a separate remote unit coupled to the unit (water dispenser – ozonator 16,17-fig 7) as in instant claim 20, with treated water source comprising a reservoir (2300) as in claim 23 and further comprising a cooling source (2019) and said reservoir in cooling proximity to said cooling source (see fig 32) as in claim 24.

Re claim 27: Boulter (312) teaches a water-using unit (fig 23), treated water source (2300), a host system (fig 24,26), control system (fig 24,26), and a separate remote unit coupled to the unit (water dispenser – ozonator 16,17-fig 7) as in instant claim 20, host system comprises an ice-maker as in claim 25 (2019), and the treated water source is a reservoir (2300), ice maker has a cooling source, and the reservoir is in cooling proximity to the cooling source (see fig 32) as in claim 27.

Re claim 31, Boulter teaches a water-using unit (ice-maker 2028: fig 24); a water source integral with the unit (RO system 8-10; inside the kiosk: col 6 lines 62-63); a reservoir with the source (2301); a host system performing functions coupled to the source (see figures); a control system (see fig); a cooling source located in cooling

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proximity to the reservoir (see fig 32 – ice maker is a cooling source in cooling proximity to the reservoir 2301). With regard to ‘conductive cooling’, the reservoir 2301 is proximate to the ice maker 2019, and therefore, inherently would have conductive cooling, as in the applicant’s invention disclosed in page 9 lines 15-20 (In re Napier, etc. as above).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,8, 12, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulter (US 6,093,312) in view of Voznick et al (US 5,256,279).

Boulter (312) teaches a water-using unit (fig 23), treated water source (2300), a host system (fig 24,26), control system (fig 24,26), a separate remote unit coupled to the unit (water dispenser – ozonator 16,17-fig 7) and a cooling source located in cooling proximity to the reservoir (see fig 32 – ice maker is a cooling source in cooling proximity to the reservoir 2301) as in instant claim 1. With regard to ‘conductive cooling’, the reservoir 2301 is proximate to the ice maker 2019, and therefore, inherently would have conductive cooling, as in the applicant’s invention disclosed in page 9 lines 15-20 (In re Napier, etc. as above).

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Boulter does not teach a flexible reservoir for 2300 as in claim 1. Voznick teaches a reservoir having a bladder in which the reverse osmosis water is inside the bladder (fig 4,5; col 6 lines 19-34). It would be obvious to one of ordinary skill in the art at the time of invention to use the teaching of Voznick in the teaching of Boulter to have the RO water inside the bladder for controlling the water stored in the bladder as taught by Voznick.

The cooling source comprises ice as in claim 12. Water not frozen in the icemaker is returned to the reservoir as in claim 14 (see fig 32).

Re claim 13, Boulter in view of Voznick does not specifically state a pulsating flow to the icemaker. However, Boulter (312) teaches a pump, Hoshizaki Model KM1600S (col 6 lines 66-67), which could pulse the water to the icemaker. It would be obvious to one of ordinary skill in the art at the time of invention to have pulsating flow to the icemaker due to such a pump as taught by Boulter (312).

3. Claims 26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulter (312) in view of Credde Jr. (US 5,992,685).

Boulter (312) teaches all the limitations of claim 20. Claims 26 and 28-30 add further limitations as follows: beverage dispenser as in instant claims 26 and 28. Credde (685) teaches a water-using unit with a beverage dispenser as in instant claims 26 and 28 (see figures and abstract). It would be obvious to one of ordinary skill in the art at the time of invention to have the Boulter R/O system coupled/connected to the

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beverage dispenser of Credle (685) to have a filtered fluid before dispensing as taught by Credle. (figure 2, R/O before dispensing)

4. Claims 15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulter (312) in view of Voznick (279) as in claim 1 above, and further in view of Credle (685).

Instant claims add further limitations, which Boulter in view of Voznick does not teach but taught by Credle as follows: Credle (685) teaches a water-using unit with host system (see fig 1 and 12), the system comprises a beverage dispenser including a cooling source (abstract), and a reservoir (34 and 90 -fig 6, col 3 lines 54-57) proximate to the cooling source as in instant claim 15 and 17; the system includes carbonator, supply of syrups and flavors as in instant claim 18 and 19 (abstract, fig 5-8). It would be obvious to one of ordinary skill in the art at the time of invention to use the teaching of Credle in the teaching of Boulter in view of Voznick to have a beverage dispenser as taught by Credle as an added feature to the water dispenser and to have the Boulter R/O system coupled/connected to the beverage dispenser of Credle (685) to have a filtered fluid before dispensing as taught by Credle. (figure 2, R/O before dispensing).

5. Claims 6,7,11 and 12 are rejected under 35 U.S.C. 102(a) as unpatentable over Boulter in view of Voznick as in claim 1 above and further in view of Blades (US 5,536,411).



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Instant claims add further limitations not taught by Boulter in view of Voznick, but taught by Blades (411) as follows: condenser with the host system using RO reject water as in claim 6, inlet water as in instant claim 7 and cooling source comprising ice as in claim 12 (abstract, col 5 lines 45-67), the cooling source has an evaporator as in instant claim 11 (fig 4, col 5 lines 49-55). It would be obvious to one of ordinary skill in the art at the time of invention to use the teachings of Blades in the teaching of Boulter in view of Voznick for energy recovery as taught by Blades in the 'Boulter in view of Voznick' system.

### ***Response to Arguments***

Applicant's arguments filed 10/20/03 and 9/22/03 have been fully considered but they are not persuasive.

In response to the argument of 10/20/03 re the new matter issue raised in the advisory action, applicant's remarks re conductive cooling are not persuasive; please see the 112 rejection for the response. With regard to the remarks on the user access area, examiner would agree with the applicant that for every dispenser unit would ***inherently*** have a user access area. Therefore, "user access area ... not presented as a combined user access area" limitation in the claim would be considered as inherent in the disclosure. This would be true for the references as well.

Applicant's arguments of 9/22/03: with regard to integral, separate and remote, applicant argues that the claimed invention provides user interfaces that are not at the same location for combined uses unlike Boulter. Applicant's specification is not clear as

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to whether the interfaces are at different locations separated by a significant distance, or separated but side by side. In either case, simply because 'the interfaces are being separated by a significant distance' by itself is not patentable.

### ***Conclusion***

This action is in response to an RCE, and is made non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S Menon whose telephone number is 571-272-1143. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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